HIGH COURT OF JUDICATURE CHHATTISGARH: BILASPUR

SINGLE BENCH : HON'BLE SHRI S.R. NAYAK, CJ.

Writ Petition (C) No. 4868 of 2006

PETITIONER : Dainik Bhaskar (*Daily Newspaper*)
Owner-Writers & Publishers Ltd.
Thro' Manager (P & A)
Sheetal Singh Thakur Age 29 Yrs.
S/o. Shri S.S. Thakur,
Press Complex, *Rajbandha Maidan*,
Raipur

Non-Applicant No.4

Vs.

RESPONDENTS

1. Dukal Singh, 50 Yrs.,
S/o Mehattar Singh Sahu
Vill. Bhusrenga, PS Ranchirai,
Teh. Gunderdehi, Distt. Durg.

Cliamant

2. Prafull Kumar, 20 Yrs.
S/o Parsuram Senapati,
Power House, Jhopadi Behind
Hotel Aashish, Bhilai, Durg

Non-Applicant No.1/Driver

3. Faiyaz, 22 Yrs.,
S/o S.K. Rahmaan, Krishna Nagar
Supela, Bhilai, Distt. Durg

Non-Applicant No.2/Present Owner

4. Hariram, 33 yrs,
S/o Kanhaiyaram Yadav,
Indra Nagar, Supela, Bhilai,
Distt. Durg

Non-Applicant No.3/Regd. Owner

Present: Shri Raja Sharma, learned counsel for the petitioner.

ORAL ORDER
(Passed on 6th September, 2006)

This writ petition is not maintainable. In this writ petition, the execution proceedings initiated by the executing Court to execute the award passed by the MACT has been challenged. The petitioner, if he is

aggrieved by the award passed by the MACT to which he was a party, ought to have assailed the validity of the award by way of an appeal under Section 173 of the Motor Vehicles Act, 1988. Without challenging the award, he cannot challenge the initiation of the execution proceedings. When this was pointed out to the learned counsel for the petitioner, he sought permission of the Court to withdraw the writ petition reserving liberty to workout his legal remedies either by way of appeal or by moving an application for review of the award passed by the MACT.

(2) The writ petition is, therefore, dismissed reserving liberty as sought for.

Sd/-
Chief Justice